




TO: Indiana's Workforce Investment System

FROM: Jeffrey M. Gill
General Counsel 

DATE: August 3, 2011

SUBJECT: DWD Policy 2011-03
Tort Claim Procedures: Claims by Non-Employees for Accidents or Injuries to Person and/or Property

Purpose

To inform all staff regarding the State of Indiana's policy and procedures for processing claims against the State under the terms of the Tort Claim Act, IC 34-13-3 et seq.

Rescission

DWD Policy 2007-40 issued May 16, 2008 and entitled, "Tort Claims, Claims by Non-Employees for Accidents or Injuries to Person and/or Property."

Contents

Under the terms of the Tort Claims Act, a claim against the State for compensation or damages is barred unless the individual gives proper notice. The Office of the Attorney General created a form for this purpose entitled "State of Indiana Claim for Personal Injury or Property Damage." This form and its explanation are available on the Indiana Administrative Code Web page at <http://www.in.gov/legislative/iac/T00100/A00030.PDF>

Any person claiming injury or property damage allegedly attributable to an act or omission of the Indiana Department of Workforce Development, who indicates a desire to be compensated for the loss, must complete and mail the form according to its instructions.

The filing of such claim is a legal process, and therefore must be done by the person making the claim. Indiana Department of Workforce Development employees and WorkOne staff should NOT complete the form or offer advice concerning legal procedure. All necessary instructions are with the form. If a completed form is left in a WorkOne center, please forward it immediately to Indiana Department of Workforce Development's Legal Services, Attn: General Counsel.

In addition, any personal injury or property damage incidents that involve non-employees should be reported to Indiana Department of Workforce Development's Investigations and Security Unit on a form entitled, "Accident/Injury/Illness/Incident Report Form" (SF54387). "The Accident/Injury/Illness Incident Report Form" is located on the Indiana Department of Workforce Development's Web page, at <http://www.in.gov/dwd/2510.htm>. Also, the form is available on the Department's Intranet FAZIO Web site at Forms and Reports, "Security."

Effective Date

Immediately

Review Date

Upon rescission

Ownership

Indiana Department of Workforce Development
ATTN: Legal Services
10 North Senate Avenue
Indianapolis, Indiana 46204
Telephone: (317) 232-0198.

Action

All Indiana Department of Workforce Development employees and WorkOne staff should be familiar with the procedures outlined in this policy.